Palmer does not disclose the invention substantially as claimed. In fact, this cited reference is substantially different because in *Palmer*, *address information* such as uniform resource locators (URLs) is delivered to the user location via a *separate* communication channel from the *broadcast* program content with which it relates. More particularly, *Palmer* does not disclose Applicants' "playing" step in which a user is playing an audio program in which a unique header code is embedded. Not only is the "address information" of *Palmer* different from "a unique header code" but *Palmer* sends its address information or URL *separately* to the user where it is separately detected and not extracted from the program being played or received. Embedding is mentioned in *Palmer* as an alternate embodiment (col. 5, lines 59-62) for an *earlier* stage of program delivery to a central station *before* being extracted at the central station for delivery via a separate path to the user location. Such limited use of embedding is not instructive to the Applicants' invention as recited in the first step of Claim 1 as amended. Thus Applicants' "detecting" step has an entirely different meaning than it does when attempting to read it upon *Palmer* because Applicants are detecting a unique header code, that is embedded in the audio program during playing *at* the user node whereas, in the cited reference, what is being detected at the user location is a separate transmission of a URL, e.g., that is *not* embedded in the program being played or received. To summarize, *Palmer* lacks both the "playing" and "detecting" steps of Applicants' Claim 1 as amended.

The deficiencies of *Palmer* are not cured by *Watanabe*. While *Watanabe* teaches and is limited to multiplexing a URL in an audio signal and extracting the URL therefrom, it does not teach embedding/detecting a unique header code in from the audio signal. Moreover, *Watanabe* does not disclose any form of the specific step: "assembling the unique header code into a message packet for transmission." In fact, except for some undisclosed "predetermined procedure (col. 8, line 12), *Watanabe* is silent about the operation of its "information processing means for accessing through a network line to a web site shown by the URL which is supplied form the decoder" (col. 4, lines 36-38) in the "audio URL signal reproducing apparatus." See also FIG. 4 and Col. 8, lines 11-30. Thus, *Watanabe* fails to teach the "detecting" step that is missing in *Palmer* and it further has several deficiencies of its own. This is because, first, it lacks the "assembling" step in Applicants' Claim 1 as

assembled, and second *Watanabe* cannot perform the "causing" step because it relies on user or operator intervention to accomplish the connection to the desired web site. FIG. 4, Col. 8, lines 24-27 is illustrative, and clearly states that connecting the user node to the network is not automatic.

In the *Office Action*, pages 4 and 5, it is asserted that "incorporation of the Watanabe teachings into the teachings of Palmer would have been obvious . . ." because the "systems of Palmer and Watanabe were so similar" in reference to Palmer, Col. 7, lines 7-19 and Watanabe, Col. 9, lines 36-42. One must not be mislead by these quoted passages which seem so similar because they are both far too general to teach the specific and novel combination of Applicants' Claim 1 as amended. The problem with both of these references is that neither can sufficiently "fill in the blanks" unless one seeks further teachings from the Applicants' claimed invention used as a template.

Further, in response to the Examiner's remarks on page 5 at item 9(a) the fact that *Palmer* automates the connection of the user to the network and *Watanabe* does not (see the foregoing discussion regarding FIG. 4 and Col. 8, lines 24-27) points to the difference between these references. Even if *Watanabe* is applied in view of *Palmer*, it does not change the fact that *Palmer* and *Watanabe* fail as a combination for other reasons, as fully discussed hereinabove.

Regarding base Claims 3, 10 and 12, which have been similarly amended hereinabove as was Claim 1, they likewise are now believed to be patentably distinct over the combination fo *Palmer* in view of *Watanabe* for the same reasons set forth in the foregoing remarks regarding Claim 1. Applicants respectfully request reconsideration and allowance of independent Claims 1, 3, 10 and 12.
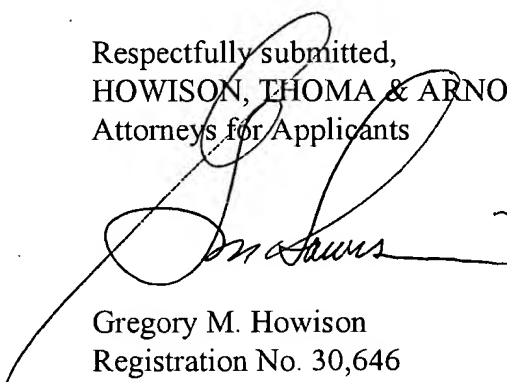
Regarding the dependent Claims 2, 4-8, 11, 13-17 and 19-20, since they include the limitations of the base claims therein, as amended, now believed to be allowable, they should likewise now all be allowable.

Regarding the Information Disclosure Statements addressed by the Examiner in parts 12 and 13

of the present *Office Action* (paper #12), Applicants note that under subheading A. Content of MPEP Sec. 609, the provisions of sub-subheading "A(3) Concise Explanation of Relevance," second paragraph: "The requirement for a concise explanation of relevance is limited to information that is not in the English language." Moreover, in the last paragraph of sub-subheading A(3) the sentence quoted by the Examiner (see the *Office Action*, page 7, lines 5-8) is preceded by the sentence "Applicants may, if they wish, provide a concise explanation of why English-language information is being submitted and how it is understood to be relevant." Accordingly Applicants respectfully decline to provide such concise explanation. Applicants further respectfully point out that the requirements under 37 C.F.R. Sec. 1.97 have been met.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,670 of HOWISON, THOMA & ARNOTT, L.L.P.

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AMENDMENT AND RESPONSE
S/N 09/378,222
Atty. Dkt. No. PHLY-24,670

1.   (Twice Amended) A method for effecting a connection between a user node on a network and a destination node on the network with an audio program, comprising the steps of:

playing at the user node the audio program having embedded therein a unique header code;

5   detecting the unique header code at the user node during the playing of the audio program at the user node;

in response to detecting the output of the unique header code during playing of the audio program at the user node, assembling the unique header code into a message packet for transmission; and

10   causing the user node to be interconnected with the destination node without user intervention over the network such that the destination node can transmit information to the user node.

3.   (Twice Amended) A method for effecting a connection between a user node on a network and a destination node on the network with an audio program, comprising the steps of:

playing at the user node the audio program having embedded therein a unique header code;

5   detecting the unique header code at the user node during the playing of the audio program at the user node;

in response to detecting output of the unique header code during playing of the audio program at the user node [without user intervention, transmitting] without user intervention assembling the unique header code into a message packet and transmitting information regarding

10   the unique header code over the network to an intermediate node on the network;

matching the received information regarding the unique header code with routing information stored in a database at the intermediate node, which routing information defines the location on the network of a plurality of destination nodes, the database having stored therein a correspondence between unique header codes and select ones of the destination nodes; and

15   if there is a match between the received unique <u>header</u> code and a unique <u>header</u> code stored in the database, causing the destination node and the user node to be connected over the network with the corresponding routing information, such that the destination node can transmit information to the user node.

         10.   (Twice Amended) A system for effecting a connection between a user node on a network and a destination node on the network with an audio program, comprising:

         a unique <u>header</u> code embedded in the audio program, the audio program playing at the user node;

5   a detector for detecting said unique <u>header</u> code at the user node during play of the audio program at the user node; and

         wherein said detector detects the output of said unique code during play of said audio program at the user node <u>assembles the unique header code into a message packet for transmission and</u>[, causing] <u>causes</u> the user node without user invention to be interconnected with

10   the destination node over the network such that the destination node can transmit information to the user node.

         12.   (Twice Amended) A system for effecting a connection between a user node on a network and a destination node on the network with an audio program, comprising:

         a unique <u>header</u> code embedded within the audio program, the audio program playing at the user node;

5   a detector for detecting said unique <u>header</u> code at the user node during play of the audio program at the user node;

         an intermediate node disposed on the network for receiving information regarding said unique <u>header</u> code, said information regarding said unique <u>header</u> code <u>being assembled into a message packet and</u> transmitted without user intervention over the network to

10   said intermediate node in response to said detector detecting output of said unique <u>header</u> code during play of the audio program at the user node;

         routing information stored in a database at said intermediate node, such that said

routing information is matched with said received information regarding said unique <u>header</u>

code, which said routing information defines a location on the network having a plurality of

15   destination nodes, said database having stored therein a correspondence between unique codes

and select ones of the destination nodes; and

        if there is a match between said received unique <u>header</u> code and a unique <u>header</u>

code stored in said database, causing the destination node and the user node to be connected over

the network with the corresponding said routing information such that the destination node can

20   transmit information to the user node.